

Senate Study Bill 1083

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF PUBLIC HEALTH/
BOARD OF MEDICAL
EXAMINERS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to professional licensing boards by providing for
2 the updating of continuing education and regulatory
3 requirements to include specified licensing boards,
4 authorizing specified licensing boards to obtain criminal
5 history data relating to applicants for licensure and
6 licensees, and authorizing the collection of fees for related
7 costs.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 1218DP 80
10 rn/cl/14

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1 1 Section 1. Section 272C.3, subsection 1, Code 2003, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. 1. Request and obtain, notwithstanding
1 4 section 692.2, subsection 5, a criminal history record check
1 5 on any applicant for an initial license, any applicant for
1 6 reinstatement of a license, or any licensee who is being
1 7 monitored as a result of a board order or agreement with a
1 8 board's licensee review committee established under paragraph
1 9 "k", for the purpose of evaluating the applicant's or
1 10 licensee's eligibility for licensure or suitability for
1 11 continued practice of the profession. The board shall inform
1 12 the applicant or licensee of the criminal history requirement
1 13 and obtain a signed waiver from the applicant or licensee
1 14 prior to submitting a criminal history request. Requests for
1 15 a criminal history shall be submitted to the department of
1 16 public safety, division of criminal investigation and bureau
1 17 of identification, pursuant to section 692.2, subsection 1.
1 18 The board may also require applicants and licensees to provide
1 19 a full set of fingerprints, in a form and manner prescribed by
1 20 the board. Such fingerprints may be submitted to the federal
1 21 bureau of investigation through the state central criminal
1 22 history repository for the purpose of obtaining national
1 23 criminal history record information. The board may, in
1 24 addition to any other fees, charge and collect such amounts as
1 25 may be incurred by the board, by the department of public
1 26 safety, or by the federal bureau of investigation in obtaining
1 27 criminal history information. Amounts collected shall be
1 28 considered repayment receipts as defined in section 8.2,
1 29 subsection 8. Criminal history information relating to an
1 30 applicant or licensee obtained by the board pursuant to this
1 31 paragraph is confidential. Such information may, however, be
1 32 used by the board in a license denial proceeding. In a
1 33 disciplinary proceeding, such information shall constitute
1 34 investigative information under section 272C.6, subsection 4,
1 35 and may be used for purposes consistent with that section.

2 1 Sec. 2. Section 272C.1, subsection 6, Code 2003, is
2 2 amended by adding the following new paragraphs:
2 3 NEW PARAGRAPH. ad. The board of behavioral science
2 4 examiners, created pursuant to chapter 147.
2 5 NEW PARAGRAPH. ae. The board of dietetic examiners,
2 6 created pursuant to chapter 147.
2 7 NEW PARAGRAPH. af. The board of social work examiners,
2 8 created pursuant to chapter 147.

2 9 EXPLANATION

2 10 This bill relates to continuing education requirements and
2 11 regulatory authority in connection with designated
2 12 professional licensing boards.

2 13 The bill provides for the addition of three licensing
2 14 boards to the list of boards specified in Code section 272C.1,
2 15 subsection 6, to which the continuing education and regulatory
2 16 requirements and provisions of Code chapter 272C shall apply.

2 17 The boards are the board of behavioral science examiners,
2 18 board of dietetic examiners, and board of social work
2 19 examiners.
2 20 The bill provides that licensing boards regulated pursuant
2 21 to Code chapter 272C may obtain criminal history information
2 22 relating to individuals applying for licensure and existing
2 23 licensees.
2 24 The bill authorizes a board to request and obtain a
2 25 criminal history record check on an applicant for an initial
2 26 license, an applicant for reinstatement of a license, or any
2 27 licensee who is being monitored as a result of a board order
2 28 or agreement with a board's licensee review committee, in the
2 29 process of evaluating the applicant's or licensee's
2 30 eligibility for licensure or suitability for continued
2 31 practice of the particular profession. The bill provides that
2 32 an applicant or licensee shall be informed of the criminal
2 33 history requirement and shall sign a waiver prior to
2 34 submission of a request for such data by the board. The bill
2 35 provides that requests for a criminal history shall be
3 1 submitted to the department of public safety, division of
3 2 criminal investigation and bureau of identification, pursuant
3 3 to the provisions of Code section 692.2, subsection 1. The
3 4 board may also require applicants and licensees to provide
3 5 fingerprints, which may be submitted to the federal bureau of
3 6 investigation through the state central criminal history
3 7 repository to obtain national criminal history record
3 8 information.
3 9 The bill additionally provides that the board may collect
3 10 amounts that are incurred in obtaining criminal history
3 11 information, with the amounts collected considered repayment
3 12 receipts as defined in Code section 8.2, subsection 8. The
3 13 bill further provides that such information is confidential,
3 14 and may be used in a license denial proceeding or as
3 15 investigative information in a disciplinary proceeding.
3 16 LSB 1218DP 80
3 17 rn/cl/14.1